

**Probation Services Task Force  
Roundtable Discussion Notes  
Juvenile Law Institute Conference  
April 5, 2001  
Costa Mesa, CA**

Presenters and Task Force Staff:

Hon. Leonard Edwards, Ms. Audrey Evje, Ms. Maureen O'Neil, Mr. John Sweeney

Approximate No. of Participants: 23

***Themes***

- *Probation should be funded and controlled by the same agency*
- *CPO should be appointed and terminated by the courts*
- *Need for more probation services*
- *Concern about statewide competition for funding under court-controlled model*

**Former P.J.**

- CPO should be appointed by the courts because it's hard to have a team mentality if the probation department is controlled by two different entities (it is funded by the BOS but follows judges' orders).

**Juvenile Judge**

- Formerly was head of Corrections Department
- Agrees with judge from Santa Clara; it is impossible to manage an agency whose employees are hired by one agency and controlled by another
  - Current practice violates the first rule of management

**Juvenile Judge**

- Have had political problems with BOS due to a bad incident at the Juvenile Hall
- CPO needs to be hired and fired by the courts (current practice in San Joaquin)

**Juvenile Judge**

- In El Dorado, there was a bad incident when the CPO was appointed by the CAO – the CPO resigned
- The new CPO recognized the need to evaluate the system
- There are no mental/physical health services because the BOS doesn't want to fund them.
- Probation should be funded by the courts

**Juvenile Judge**

- CPO selected and supervised by PJ
- Recurring theme: No judicial protection in personnel issues; PJ has liability issues since he/she is not protected by the County Council

**Visiting judge from Indiana**

- Juvenile judges hire and fire the CPO, run probation facilities and services; works well for them
  - But recognizes that it is difficult for judges to learn management and administration; these skills are not taught in law school
  - This model would require a new area of responsibility from judges

**Juvenile Judge**

- (Responding to Alameda judge) The Trial Court Employees Act has brought new areas of liability to the courts, but we can't let the threat of lawsuits scare us. Judges have to learn to manage their courts.

**Juvenile Judge**

- CPO should be hired by the court, since probation's mission should be defined by the courts
  - Currently, the BOS's goals are followed, not the goals of the courts

**Juvenile Judge**

- In Santa Barbara, judges appoint the CPO, and are thus able to effect change.
- If it were the other way around, is convinced that Santa Barbara would not be able to offer the same level of services or quality of staff.

**Juvenile Judge**

- Funding Issue: Due to a shortage of money, is not sure that it would be a good idea to have probation departments competing for funding on a statewide level.
  - Favors a partnership in appointment and termination of the CPO between the BOS and the courts, because is concerned about the incestuous nature of the relationship between the courts and probation if probation is completely controlled by the courts
- Need for more services in probation; juveniles are a second thought.
- Unionization of probation officers is a problem because they are hard to fire.

**Juvenile Judge**

- (responding to LA judge) Need to work out labor issues and contracts
- Also need to consider that probation departments would be contending with the state legislature for funding

**Juvenile Judge**

- The separation between juvenile and adult probation doesn't make sense to him – the two departments should be merged into one.

**Juvenile Judge**

- Model for consideration: partnership between the courts, probation, and the CDC (parole)?

**Juvenile Judge**

- Wants county level control over probation
- Concerned that the state is taking over control of courts

**Juvenile Judge**

- The courts should appoint and control the CPO
- State control would be more stable and not as susceptible to local political changes